

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-005340

02/04/2015

HONORABLE MARK H. BRAIN

CLERK OF THE COURT  
T. Springston  
Deputy

ALAN TOPP, et al.

KYLE WESTFALL HALLSTROM

v.

AGFUOKIZEH GHONGKEDZE, et al.

BARRY M MARKSON

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**STATUS CONFERENCE SET  
REFERRAL TO ADR**

**IT IS ORDERED** granting the parties' proposed joint Scheduling Order, all in accordance with the formal written Order electronically signed by the court on February 2, 2015, and filed (entered) by the clerk on February 5, 2015.

FILED: Scheduling Order

**IT IS FURTHER ORDERED** setting a telephonic trial setting conference for **September 2, 2015 at 9:00 a.m.** (time allotted: 15 minutes) in this division.

Counsel for plaintiff shall initiate the conference call by calling **602.372.1141**. The call should be placed from a telephone in an area with no background noise. The call may not be placed from a vehicle. Cellular telephones and speakerphones are prohibited.

Parties are admonished to meet and confer as to the date and length of trial, as the court will not grant continuances nor will the court enlarge the number of days once a trial date has been scheduled, in view of the court's calendar.

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**IT IS FURTHER ORDERED** the parties shall participate in a mandatory settlement conference. This case is referred to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the Judge *Pro Tempore*. Counsel and any "pro per" parties will contact the appointed Judge *Pro Tempore* to arrange the date, time and location for the settlement conference. The Judge *Pro Tempore* is requested to conduct a settlement conference not later than **August 15, 2015**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

If counsel prefer to use a private mediator to conduct the settlement conference, a Stipulation and Order re: alternative to ADR must be presented to the court by no later than **5:00 p.m. on July 1, 2015**.

**IT IS FURTHER ORDERED** that the parties shall simultaneously submit confidential memoranda to the Judge *Pro Tempore* at least **5 days prior** to the date set for settlement conference.

**All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle this case, shall personally appear and participate in good faith in this settlement conference, even if no settlement is expected.**

**Judge Mark H. Brain  
Maricopa County Superior Court  
East Court Building  
101 West Jefferson Street  
4th Floor, Courtroom 413  
Phoenix, AZ 85003  
Tel: 602.372.1141**

**Please Note:** Judge Brain's division is now an FTR division. Any requests for a court reporter will need to be made three (3) days prior to a hearing.

**DISCOVERY DISPUTES:** In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division BEFORE filing a motion to compel or motion for protective order.

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The parties are reminded that, effective July 1, 2013, Maricopa County Local Rule of Practice 3.2 requires notices of settlement, stipulations to dismiss, and stipulations for the entry of judgment to contain a statement regarding whether such settlements or stipulations dispose of the entire case.

Note: As of the date of this minute entry, Judge Roger Brodman is scheduled to take over Judge Brain's civil calendar (including this case) on June 22, 2015 as part of the court's standard judicial rotations. He is also moving into Judge Brain's chambers and courtroom on the 4<sup>th</sup> Floor of the East Court Building. The general phone number will change to 602-372-2943.